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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,145	06/20/2001	Hiroyuki Tomoike	088941-0196	2486
22428	7590	01/25/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			WAHBA, ANDREW W	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,145

Applicant(s)

TOMOIKE, HIROYUKI

Examiner

Andrew W Wahba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

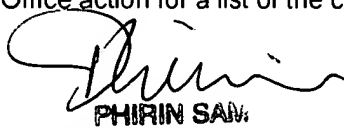
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/07/02, 06/20/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ernam et al (hereinafter "Ernam") (US Patent 6,148,201).

With regard to claims 1 and 7, Ernam et al discloses a wireless communication system 100 that includes a dispatching switch 102 (mobile communication control apparatus) that couples a plurality of mobiles switching centers, MSCs 104, 106, and 108 (plurality of gateways), to a plurality of base station controllers, BSCs 110, 112, 114, and 116 (column 4, lines 37).

With specific regard to the MSCs (plurality of gateways), operation of the wireless communication system commences at step 1102 (data obtaining section) wherein the dispatching switch 102 queries the coupled MSC for loading information (load measuring section) and the dispatching switch 102 receives the capacity responses at step 1104 (load data communication section) (column 13, lines 18-27). A block diagram of the MSC is shown in Figure 5B. The MSC

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includes data conversion/packaging circuitry 554 (format converting) (column 9, lines 18-20).

With specific regard to the dispatching switch 102 (mobile communication control apparatus / gateway selecting device), operation of the wireless communication system commences at step 1102 wherein the dispatching switch 102 queries the coupled MSC for loading information and the dispatching switch 102 receives the capacity responses at step 1104 (load data obtaining / load data storage) (column 13, lines 18-27). In determining the MSC assignment, the dispatching switch 102 considers the loading of each of the MSCs (column 5, lines 28-32).

With regard to claims 3 and 8, each MSC is capable of servicing a maximum number of calls (number of sessions) and the dispatching switch 102 assigns each mobile unit to equalize loading among the MSCs (column 5, lines 1-5).

With regard to claims 4 and 9, operation of the wireless communication system commences at step 1102 wherein the dispatching switch 102 queries the coupled MSC for loading information and the dispatching switch 102 receives the capacity responses (activity rate) at step 1104 (column 13, lines 18-27). It is inherent that that a MSC contain a processor and that the disclosed capacity responses are a function of processor performance.

With regard to claims 5 and 10, each MSC is capable of servicing a maximum number of calls (predetermined threshold) and the dispatching switch 102 assigns (selects) each mobile unit to equalize loading among the MSCs

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(column 5, lines 1-5). In determining the MSC assignment, the dispatching switch 102 considers the loading of each of the MSCs (column 5, lines 28-32).

With regard to claims 6 and 11, each MSC is capable of servicing a maximum number of calls and the dispatching switch 102 assigns each mobile unit to equalize loading (selects ... with smallest value) among the MSCs (column 5, lines 1-5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Ernam et al (hereinafter "Ernam") (US Patent 6,148,201) in view of Valentinem et al (hereinafter "Valentine") (US Patent 6,504,839).

Ernam does not expressly disclose that the predetermined communication network is Internet and the data obtaining section of each gateway obtains contents in a web site on the Internet.

Valentine discloses a packet switched network 110, such as Internet (Internet / web site) coupled to a wireless telecommunication network 130 through an access server 111 (column 4, lines 49-52).

A person of ordinary skill in the art would have been motivated to employ Valentine in Ernam to take advantage of various packet-switched and wireless

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communication topologies in combination with PSTN (Valentine, column 3, lines 15-25). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to obtain the invention as specified in claim 2.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted,

Andrew Wahba
Patent Examiner
January 20, 2005

AW


PHIRIN SAM
PRIMARY EXAMINER